REMARKS

This amendment is in response to the Office Action of November 1, 2005.

Claims 1 through 20 are currently pending in the application.

Claims 1, 10, and 15 have been amended herein. Support for the amendments may be found in paragraphs [0011] and [0025]. No new matter has been entered to the disclosure as the amendment clearly complies with 35 U.S.C. § 132. The amendments are to clarify the invention. The amendments are made without prejudice or disclaimer.

35 U.S.C. § 102(e) Anticipation Rejections

Anticipation Rejection Based on Klein (U.S. Publication 2002/0007407)

Claims 1 through 3, 5 through 12, and 14 through 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Klein (U.S. Publication 2002/0007407) (hereinafter "Klein"). Applicant respectfully traverses this rejection, as hereinafter set forth.

Applicant asserts that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

After carefully considering the cited art, the rejection, and the Examiner's comments, Applicant has amended the claimed invention to clarify the claimed invention over the cited art.

Presently amended independent claim 1 recites a method for establishing wireless communication between a computer and a local area network, comprising . . . receiving a signal broadcast by at least one wireless port of the local area network, evaluating the signal to determine a connection protocol type of the at least one wireless port, and initiating a connection protocol based on the connection protocol type of the at least one wireless port.

Applicant asserts that Klein does not identically describe, either expressly or inherently, each and every element of presently amended independent claim 1 in as complete detail as contained in the claim to anticipate the claimed invention under 35 U.S.C. § 102. Applicant asserts that Klein does not describe the element of the claimed invention calling for "evaluating said signal to determine a connection protocol type of said at least one wireless

port." Klein describes an "auto configuration program [that] can enable a user to store configurations for numerous WLANs such that when a user turns on the mobile unit 15, the program automatically loads the correct configuration for the WLAN that the mobile unit 15 is near." *Paragraph [0042]*. Klein further describes that "[t]he profiles each correspond to a unique service provider, communication protocol, or operations parameter." *Paragraph [0042]*. Klein describes that "[i]f attempts 550 to associate with the network fail 555, a different profile is loaded onto the terminal, and an attempt at a connection to and association with the network is made." *Paragraph [0045]*. Klein does not describe expressly or inherently determining the connection protocol of a wireless port. This is further evidenced by the fact that the profiles of Klein are on a WLAN-basis rather than a port-basis. Therefore, for at least this reason, Klein does not anticipate presently amended claim 1 under 35 U.S.C. § 102. Accordingly, presently amended independent claim 1 is allowable.

Claims 2, 3, and 5 through 9 are allowable for at least the reason of depending from allowable presently amended independent claim 1.

Presently amended independent claim 10 recites a method for selecting a connection protocol to be used to wirelessly connect a computer to a local area network, comprising . . . receiving at least one signal, determining whether the at least one signal is being broadcast by a wireless port of the local area network, evaluating the at least one signal to determine a connection protocol type of the wireless port by which the at least one signal is being broadcast, and if the at least one signal is being broadcast by a wireless port of the local area network, initiating a connection protocol that is compatible with the wireless port.

Applicant asserts that Klein does not identically describe, either expressly or inherently, each and every element of presently amended independent claim 10 in as complete detail as contained in the claim to anticipate the claimed invention under 35 U.S.C. § 102. Applicant asserts that Klein does not describe the element of the claimed invention calling for "evaluating said at least one signal to determine a connection protocol type of said wireless port." Klein describes an "auto configuration program [that] can enable a user to store configurations for numerous WLANs such that when a user turns on the mobile unit 15, the program automatically loads the correct configuration for the WLAN that the mobile unit 15 is near." *Paragraph [0042]*. Klein further describes that "[t]he profiles each correspond to a unique service provider, communication protocol, or operations parameter." *Paragraph*

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[0042]. Klein describes that "[i]f attempts 550 to associate with the network fail 555, a different profile is loaded onto the terminal, and an attempt at a connection to and association with the network is made." *Paragraph [0045].* Klein does not describe expressly or inherently determining the connection protocol of a wireless port. This is further evidenced by the fact that the profiles of Klein are on a WLAN-basis rather than a port-basis. Therefore, for at least this reason, Klein does not anticipate presently amended claim 10 under 35 U.S.C. § 102. Accordingly, presently amended independent claim 10 is allowable.

Claims 11, 12, 14, and 15 are allowable for at least the reason of depending from allowable presently amended independent claim 10.

Presently amended independent claim 15 recites a workstation configured to select a connection protocol for establishing wireless communication with a local area network, comprising . . . at least one processor, at least one wireless network access device in communication with the at least one processor, and at least one storage medium configured to communicate with the at least one processor, the at least one storage medium comprising instructions stored in data format for . . . causing the at least one wireless network access device to receive at least one signal being broadcast by a wireless port of the local area network and to communicate the at least one signal to the at least one processor in a format recognizable by the at least one processor, enabling the at least one processor to evaluate the at least one signal to identify a connection protocol type of the wireless port from which the at least one signal was broadcast, and instructing the at least one processor to select a connection protocol appropriate for establishing communication with the wireless port based on the connection protocol type thereof.

Applicant asserts that Klein does not identically describe, either expressly or inherently, each and every element of presently amended independent claim 15 in as complete detail as contained in the claim to anticipate the claimed invention under 35 U.S.C. § 102. Applicant asserts that Klein does not describe the element of the claimed invention calling for "enabling said at least one processor to evaluate said at least one signal to identify a connection protocol type of said wireless port." Klein describes an "auto configuration program [that] can enable a user to store configurations for numerous WLANs such that when a user turns on the mobile unit 15, the program automatically loads the correct configuration for the WLAN that the mobile unit 15 is near." *Paragraph [0042].* Klein further describes

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that "[t]he profiles each correspond to a unique service provider, communication protocol, or operations parameter." *Paragraph [0042]*. Klein describes that "[i]f attempts 550 to associate with the network fail 555, a different profile is loaded onto the terminal, and an attempt at a connection to and association with the network is made." *Paragraph [0045]*. Klein does not describe expressly or inherently determining the connection protocol of a wireless port. This is further evidenced by the fact that the profiles of Klein are on a WLAN-basis rather than a port-basis. Therefore, for at least this reason, Klein does not anticipate presently amended claim 15 under 35 U.S.C. § 102. Accordingly, presently amended independent claim 15 is allowable.

Claims 16 through 20 are allowable for at least the reason of depending from allowable presently amended independent claim 20.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on Klein, in view of Pinard *et al.* (U.S. Patent 6,582,700)

Claims 4 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Klein, in view of Pinard *et al.* (U.S. Patent 6,582,700) (hereinafter "Pinard"). Applicant respectfully traverses this rejection, as hereinafter set forth.

Applicant asserts that to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure.

Regarding claim 4, Applicant asserts that Klein and Pinard, assuming combinability *arguendo*, do not teach or suggest all of the claim limitations of presently amended independent claim 1 to establish a *prima facie* case of obviousness regarding the invention of claim 1 under 35 U.S.C. § 103. Accordingly, presently amended independent claim 1 is allowable. Claim 4 is allowable for at least the reason of depending from allowable presently amended independent claim 1.

Regarding claim 13, Applicant asserts that Klein and Pinard, assuming combinability *arguendo*, do not teach or suggest all the claim limitations of presently amended independent claim 10 to establish a *prima facie* case of obviousness regarding the invention of claim 10 under 35 U.S.C. § 103. Accordingly, presently amended independent claim 1 is allowable. Claim 13 is allowable for at least the reason of depending from allowable presently amended independent claim 10.

Applicant submits that claims 1 through 20 are clearly allowable over the cited prior art.

Applicant requests the allowance of claims 1 through 20 and the case passed for issue.

Respectfully submitted,

James R. Duzan
Registration No. 28,393
Attorney for Applicant
TRASKBRITT, P.C.
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

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